

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16769 of 2005

Between:

- 1 Raidu Krishna Rao S/o. Narayana
R/o. Kunaparajuparva (V) Reddygudem (M), Krishna District,
- 2 Raidu amesh S/o. Pedanageshwar Rao
R/o. Kunaparajuparva (V) Reddygudem (M), Krishna District,

..... PETITIONERS

AND

- 1 The District Collector, Krishna at Machilipatnam,
- 2 The Revenue Divisional Officer, Nuzvid, Krishna District,
- 3 The Mandal Revenue Officer, Reddygudem (M) Krishna District,
- 4 The Circle Inspector of Police, Tiruvuru Police Station, Tiruvuru, Krishna
District,
- 5 The Sub Inspector of Police, Tiruvuru Police Station, Tiruvuru,
Krishna District,

.....RESPONDENTS

THE HON'BLE SRI JUSTICE E. DHARMA RAO

WRIT PETITION NO. 16769 OF 2005

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from their respective lands situated at Kunapara-Juparva (v) Reddygudem (M) Krishna District without following due process of law as illegal and arbitrary.

The petitioners herein are the farmers. The 1st petitioner purchased wet land to an extent of Ac.0.68 cents in RS.No.176/9; Ac.0.83 cents in RS.No.176/10, and Ac.0.03 cents in RS.No.176/5 by executing registered sale deeds dated 13-04-1992 and 06-02-1997. Accordingly, the 2nd petitioner also purchased the wet land admeasuring Ac.0.16 cents in RS.No.1413, Ac.0.38 cents in RS.No.140/2 and Ac.0.07 cents in RS.No.176/5 by executing a registered sale deed dated 20-06-2003. The lands of both the petitioners were situated at Kunapara-Juparva (v) Reddygudem (M) Krishna District and both of them are in continuous peaceful possession and enjoyment of the said lands. It is stated that at the instance of local political leaders, the respondents are trying to dispossess the petitioners from their respective lands on the ground that they proposed to lay road across their lands. Thereafter, the 2nd respondent-Revenue Divisional Officer, Nuzvid, issued a notice dated 05-07-2005 directing the petitioners to attend for an enquiry scheduled to be held on 16-07-2005 at about 11.00 a.m. along with documentary evidence. On 25-07-2005 the 2nd respondent conducted an enquiry and on that day the petitioners filed their objections. Since then the matter is pending with the 2nd respondent for consideration. The grievance of the petitioners is that without following due process of law, the 3rd respondent along with 4th and 5th respondents trying to dispossess the petitioners from their respective lands. Aggrieved by the same, the present writ petition has been filed.

Heard both sides.

It is not in dispute that the petitioners are the absolute owners of the lands in question having registered sale deeds in their favour. The case of the petitioners is that when the matter is pending before the 2nd respondent for consideration, the 3rd respondent along with 4th and 5th respondents, is trying to interfere with the possession of the petitioners and that the respondents did not issue any notice with regard to the same.

Considering the facts and circumstances of the case and admittedly, the respondents did not follow the due process of law contemplated under law, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to dispossess the petitioners without following due process of law.

With the above direction, the writ petition is disposed of. No costs.

29-07-2005

Note: CC. By Monday

B/o Mjl.